

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

JOHN M. BRYAN, deceased
Last will and testament

In the name of God Amen.

I, **JOHN M. BRYAN** of the state of North Carolina and County of Craven being in good health and sound mind and memory and understanding but considering the uncertainty of this transitory life to make and declare this as and for my last will and testament in Manner and form as follows:

First I direct all my just debts be paid in that my executor sell on a credit of six months all my stock and all I possess except my Negroes and land that I met own at my death.

First I give to my cousin **SARAH J. LOVENIER** 6 Negroes: ALEXANDER and his wife SILLER, and three children SYLVESTER, RHODY and SAM and girl ROSE to her and her heirs all the rest of my negro I direct to be hired out for two years.

I give my cousin **SARAH J. LOVENIER** \$5,000 in money.

I also give my executor \$1,000 in money.

I direct my executor to use the money that arises from the sale of property directed to be sold by this will and all the money, notes, and that I may have at my desk, to pay to **SARAH J. LOVENIER** \$5,000 given as a gift to her, and 1,000 given to him. Then at the end of two years I loan to my niece **ELIZABETH DUDLEY** the following Negroes: negro man BEN SMITH; negro man TOM; negro boy SILAS; negro boy MILES; negro boy DICK; negro boy ALEX, brother to DICK and ALLEN; negro boy ALLEN; negro girl AMY; negro girl CASSY, negro girl CRISSY. And after her death my will is that all the Negroes loaned to **ELIZABETH DUDLEY** be equally divided among her children to them and their heirs.

To my niece **SALLY ANN BRYAN** for Negroes named JACK and his wife JEMIMA and her son BILL and her daughter HARRIOTT, to her and her heirs. Should the sale of my property directed to be sold by this will and the hire of my Negroes, money, notes and accounts fall short of paying legacies directed to be paid in money then and in that case I direct my executor to sell as much of my property not heretofore given away as will pay the legacies directed to be paid.

All the rest of my Negroes and all the rest, residue and remainder of worldly goods and effects I give and bequeath to my niece **ELIZABETH J. PEARCE** and her six children, to wit: **ELIZA ANN [PEARCE]**, **AUGUSTA J. [PEARCE]**, **SARAH F. [PEARCE]**, **MARY B. [PEARCE]**, **LIDIA S. [PEARCE]**, **LOVIND PEARCE** to be equally divided among them.

I nominate and appoint my worldly scratch worthy and trusty friend **HARDY B. LANE** executor to this my last will and testament, hereby revoking all former Wills will or Wills made by me. By me made. February 15th A. D. 1850

JOHN M. BRYAN {seal}

Signed and sealed and the presence of

JEREMIAH N. ALLEN
Z. SLADE

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

State of Alabama
Hale County

Probate Court

November 16th, 1868

To **ALEXANDER JUSTICE** Esquire, **ALONZO T. JERKINS**, and **FREDERICK JONES** Sr. of New Bern, state of North Carolina.

Know ye that we reposing special trust and confidence in your ability, integrity, and prudent circumspection do by these presents constitute and appoint you commissioners to take the deposition of **Z. SLADE** of New Bern North Carolina to be read as evidence in a matter now pending and undetermined in the probate court of Hale County, state of Alabama, in which evidence in a matter now pending and undetermined in the probate court of Hale County, state of Alabama, in which an instrument and writing, purporting to be the last will and testament of **JOHN M. BRYAN**, deceased, is propounded for probate to be heard on Tuesday the 1st day of December 1868.

You will therefore call and cause to come before you, or either one of you, the said witness who, after being by you first sworn, to speak the truth, the whole truth and nothing but the truth you will diligently examine him touching and concerning his knowledge in relation to the said matter, and reduce the answers of the witness to the interrogatories hereunto annexed, to writing as near as may be in the language of said witness and such deposition when completed you will send certified as required by the statute enveloped together with the commission and said interrogatories and any document which may have been deposed to, sealed and directed to the judge of the probate court of Hale County, Alabama, with all practical Pratt practicable speed with the title of the cause endorsed on the envelope.

Witness

W. T. BLACKFORD, judge of said Court
This 16th day of November 1868.

W. T. BLACKFORD
Judge of probate

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

State of Alabama
Hale County

To special term

December 1st 1868

In the matter of the application of **AUGUSTUS I. PEARCE** for the probate of the last will and testament of **JOHN M. BRYAN** deceased late of said County and State.

Interrogatories to **Z. SLADE** of New Bern North Carolina the answers to which when taken are to be read in evidence in favor of the application for the admission to probate of a certain paper offered into court by **AUGUSTUS I. PEARCE** as the last will and testament of **JOHN M. BRYAN**, deceased of Hale County, Alabama.

Interrogatory 1st Were you acquainted with **JOHN M. BRYAN** formerly of New Bern, North Carolina, and afterwards of Hale County of Alabama. If yea, where did you know him, and is he at this time alive or dead to the best of your knowledge and information?

Interrogatory 2nd Were you ever called upon by **JOHN M. BRYAN** in his lifetime, to witness the execution of any paper according to be the last will and testament of the said **JOHN M. BRYAN** deceased? If yea a did you do so? And when and where? Have you ever seen that paper since that time? If you have, when and where? Examine the paper attached to these interrogatories and say, whether or no, the same is not signed by **JOHN M. BRYAN**? And, whether or no, did you not see him sign it? And whether or no, he signed the same in your presence, and in the presence of **JEREMIAH N. ALLEN**? And, whether or no, you and **JEREMIAH N. ALLEN** did not sign the said paper as witnesses to the signature of **JOHN M. BRYAN**, and at his request? State whether or no **JOHN M. BRYAN** did or did not declare to you and **JEREMIAH N. ALLEN**, that this said paper was his last will and testament and request you to witness the execution of the same, as such last will and testament, and if you did not do it?

Interrogatory 3rd were you acquainted with **HARDY B. LANE**? If yea is he dead or alive? If dead when did he die? Were you acquainted with **JEREMIAH N. ALLEN**. If yea is he alive or dead? If dead when did he die?

Interrogatory 4th did you know any further circumstances or facts tending to show that the paper here onto annexed was written, signed, witnessed and published by the said **JOHN M. BRYAN** deceased in his lifetime, as his last will and testament? If yea then state them as fully as if you were specially interrogated.

MCCAD and **FOSTER**

Attorneys for probation of the will

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

JOHN M. BRYAN deceased
In the matter of the probate of his will

Deposition of Z. SLADE

By virtue of the commission here onto annexed, issued from the office of the judge of probate of Hale County, Alabama.

We, ALONZO T. JERKINS and FREDERICK J. JONES, two of the commissioners therein named have called and caused to come before us the said Z. SLADE, to us personally known, the witness named in the said commission between the hours of 3 and 4 this day at the office of ALEXANDER JUSTICE in the city of New Bern and state of North Carolina and having duly cautioned and sworn the said witness to speak the truth the whole truth and nothing but the truth he the said witness deposit and safe as follows:

To 1st interrogatory he answers: I was, I have known him in New Bern North Carolina since the year 1817. He is dead.

To 2nd interrogatory. Yes I did in the store of JEREMIAH N. ALLEN in New Bern North Carolina about the year 1850. I have seen the paper since, in September last, I think I saw it in this city at my house. The paper attached to the interrogatories is signed by JOHN M. BRYAN. I did see him sign it. He signed the same in my presence and in the presence of JEREMIAH N. ALLEN. I and JEREMIAH N. ALLEN did sign the same as Witness to the signature of JOHN M BRYAN and at his request. JOHN M. BRYAN declared to me and JEREMIAH N. ALLEN that the paper was his will and testament and requested us to witness it as such and we did so.

To 3rd interrogatory. I was acquainted with HARDY B. LANE. He is dead. He died about ten years ago. I was acquainted with JEREMIAH N. ALLEN. He is dead. He died in the spring of 1866.

To 4th interrogatory. No.

Signed by Z. SLADE

Now we, ALONZO T. JERKINS and FREDERICK J. JONES the said Commissioners to hereby certify that the foregoing testimony and answers taken down and written by us in the words of the witness were read over to him that he assented, swore to and subscribed the same and our presence and at the time and place here in mentioned, that we are not of counsel or kin to either of the parties to set cause nor interested in the event thereof. And we enclose the said testimony, together with the said commission and the interrogatories directed and cross to the judge of probate French the same emanated as our full execution of said Commission.

Given under our hands and seals this 25th day of November A. D. 1868.

A. T. JERKINS {seal}
FREDERICK J. JONES {seal}

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

Office Probate Court
Craven County, North Carolina
New Bern
September 26th 1868

Personally appeared before the subscriber judge of probate for Craven Court North Carolina Craven County North Carolina **Z. SLADE** being by me duly sworn according to law to poses and says that **HARDY B. LANE** the executor named in the foregoing will instead.

Z. SLADE

Sworn to and subscribed to before me this 26th day of September a. D. 1868

J. EDWIN WEST

Judge of probate for Craven County North Carolina

The foregoing will was filed in my office for the probate on the 4th day of November 1868.

W. T. BLACKFORD

Judge of probate

Will, Probate, AL, Hale, JOHN M. BRYAN 1850 1868

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Transcribed from original documents by Brent R. **BRYAN** & Martha M. **BRYAN**.

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Martha M. **BRYAN**
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